

CLARK, LINCOLN, AND WHITE PINE COUNTIES
GROUNDWATER DEVELOPMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT STATEMENT
SCOPING MEETING

REPORTER'S TRANSCRIPT OF PROCEEDINGS

On Tuesday, August 2, 2011

At 5:00 p.m.

At the Pioche Elementary School

651 Airport Road

Pioche, Nevada

Reported by: Deborah Ann Hines, CCR #473, RPR

1 KATHY HIATT: P.O. Box 146, Pioche, Nevada
2 89043. We have a ranch that's 16 miles east of Pony
3 Springs. It's on the Atlanta Mine Road. And in the
4 summer when Lake Valley turns all of their pumps on
5 to water their fields, we literally have to, we call
6 it chumming our windmill to get water into our house.
7 We have to turn the water out of the creek onto the
8 fields above the windmill and let it run for quite
9 some time before we can turn our windmill on and pump
10 our water to our holding tank for our house. And
11 that's just Lake Valley using the normal water for
12 their big pivots and stuff.

13 So if they put that pipeline in and took the
14 water, we would probably have nothing at our ranch.
15 And we're like 7200 feet and we are probably a good,
16 well, 13 miles from where all of the agricultural is
17 going on with the fields there in Lake Valley.

18 I believe that if they put that pipeline in,
19 we would have no water. And the thing about the
20 renewable groundwater, I'm not sure where that
21 renewable water is supposed to come from, because
22 once it's pumped out of there, it's going to be gone.
23 If we have a good winter and a lot of, you know,
24 water in the spring, we don't have as much of a
25 problem, but at this point it's already affecting us

1 with just them using the water.

2 So if that water is taken out of here, it's
3 going to affect a lot of people. I mean, it would
4 affect us even our drinking water, not just to water
5 our fields and stuff but our drinking water. And
6 it's the John D. and Kathleen Kohl ranch that I'm
7 talking about that's affected, but we've been on that
8 five generations. We've been on there several
9 hundred years, and we've not had the problems we are
10 experiencing now.

11 GARY ELMER: Post Office Box 281, Panaca,
12 Nevada 89042. I oppose this project on a personal
13 basis. But I'm a member of our Panaca Town Board.
14 Southwest Water people came to our meeting, made a
15 presentation a couple of years ago, and I asked one
16 of the gentlemen that was there, Why build this one?
17 You could build a pipeline to the ocean, you know,
18 and distill water and bring the water needs to Vegas,
19 and he said, That is planned in the future.

20 So that makes me believe that this project,
21 they might as well take all the money and build a
22 pipeline to the ocean and distill water and bring it
23 to Vegas. That's my personal opinion. They get all
24 the water they need, unlimited supply there.

25 MICK LLOYD: HC 74 Box 190, Pioche, 89043.

1 I also own the Meloy Springs Ranch in the north end
2 of Dry Lake Valley. I've got a really good spring on
3 my property. We run cattle there. We also have a
4 family outfitters business that we operate out of the
5 ranch also.

6 And my main concern, biggest concern is with
7 this pipeline project is it will, you know,
8 construction, even before they start pumping the
9 water, the construction and everything, the
10 environmental issues: The wildlife, wild horses.
11 You know, eventually I feel that once this project is
12 completed and they start pumping water, that, you
13 know, all your surface water is going to dry up and
14 the springs are not going to be available.

15 You're going to lose your vegetation in
16 those three valleys: Cave Valley, Dry Lake and
17 Delamar, also up in Spring Valley. And it could
18 completely devastate the wildlife and our way of
19 living here in Lincoln County.

20 And I hope that the BLM really looks at
21 these issues. And my hope is that the right-of-way
22 is not granted until more scientific evidence shows
23 that the water is available for the project that
24 they're looking at in Southern Nevada, in the Las
25 Vegas Valley I should say.

1 PAT GLOECKNER: HC 74 Box 237, Pioche,
2 Nevada 89043. Starting off, I was born and raised in
3 Lincoln County, married into a ranching family. That
4 family has been here for well over 130, 40 years,
5 settled the country.

6 Dry Lake Valley is 42 percent of our
7 operations. We run our cows there five months out of
8 the year. Without that valley, the operations are no
9 more. We have springs over there: Simpson Spring,
10 Fairview Spring. It's a major concern for us when
11 they're low, impacted by any kind of deep well
12 drilling anywhere near there. We're hoping the BLM
13 will not accept SNWA's right-of-way for the pipeline.

14 RONDA HORNBECK: HC 74 Box 200, Pioche,
15 89043. My concerns with actually having Southern
16 Nevada Water Authority come in and take the water out
17 of the basins in Lincoln and White Pine counties is
18 the fact that once they take the water, and it starts
19 to take the wells down and take the springs down,
20 even though they've promised to stop pumping water,
21 where is that guarantee?

22 I don't think and feel that they can
23 actually get that accomplished. I don't want them to
24 take the water in the first place, but I think that
25 it's an outright lie on their part to say that they

1 will stop pumping if they affect the water rights.

2 Now in Eagle Valley, where I live, the Eagle
3 Valley Irrigation Company had the water appropriated
4 to them that comes out of all the springs out of
5 Mount Wilson, and that's called the headwaters. From
6 the headwaters all the way down through Eagle Valley,
7 Rose Valley, Round Valley, and that water goes on
8 down and does drain into Lake Mead. But all the
9 waters from the headwaters were appropriated through
10 the state water engineer for the Eagle Valley
11 Irrigation Company. We have the right to use those.

12 Those waters come into what's known as Eagle
13 Valley Reservoir and then the water users down below
14 that in Eagle Valley use those waters. That's our
15 livelihood, has been since Eagle Valley was settled
16 in 1886. And if those springs go dry, it will put
17 all of those families out of business. There are 50
18 families in Eagle Valley right now, not all of them
19 are on water rights, but those who are on water
20 rights feed cattle, they raise hay, they sell hay or
21 use it for their own cattle operation.

22 How would Southern Nevada Water Authority
23 mitigate that if those springs were affected? If
24 those springs dried up, there is no way for them to
25 mitigate that entire valley to keep the growth going

1 that's out there right now, growth being in the
2 pastures, the stock waters, feeding the stock.

3 And my concern runs deep and it runs through
4 a lot of years, because our ancestors have taken very
5 good care of those areas. I also, where I worked as
6 a county commissioner, I have concerns that all of
7 the permits would be met through Southern Nevada
8 Water Authority. I have concerns that their promise
9 of turning off the water will not be met. I have
10 concerns of them coming in and utilizing the water
11 that is under White Pine and Lincoln County to supply
12 Clark County until that water is not there any
13 longer, then there will be no more supply for Clark
14 County and it will have already done destruction for
15 Lincoln County and White Pine.

16 I have a problem in that this proposal is
17 inconsistent with state and local laws. I think that
18 needs to be addressed. I think that anybody who
19 comes in and says they're going to do a project needs
20 to be able to pay for that. I don't think Southern
21 Nevada Water Authority is in the position to pay for
22 everything that they are talking about in this EIS.

23 I think there will be serious environmental
24 consequences in everything that they do with this
25 pipeline. I feel that as we go forward with -- as

1 they go forward with their plans, there's so many
2 things they haven't worked out that they haven't
3 addressed that they haven't an idea of what the
4 impacts are, and I don't think that there are any
5 guarantees out there of what the impacts are going to
6 be; and I think it will just be a travesty to have
7 this move forward and have the water taken out of
8 these two counties to supply the water to another
9 county.

10 I just have serious concerns over how they
11 would ever mitigate for the losses that I feel that
12 we're going to have, because even though they've gone
13 out and done their studies, their studies are showing
14 there will be impacts.

15 In Las Vegas on their wells, they've pumped
16 enough that the ground is starting to shrink in in
17 places and they're not putting that out there. If
18 it's doing it in their own county, why in the world
19 would it not do it for somebody else's county when
20 they're going in and taking the water? It's a proven
21 item to them; they're disregarding it.

22 The ground is shrinking, collapsing because
23 the water is not there anymore and the ground
24 collapses in around itself; there's a depression in
25 the ground. They know it. They're going to do the

1 same thing to our two counties and that's wrong.

2 FACILITATOR JOHN GODEC: Let me explain a
3 couple of things to you very, very quickly, if I can.
4 What we've attempted to set up tonight is an
5 opportunity for you to talk one-on-one with the
6 experts that know the substance of this project. And
7 those folks are going to be wandering around most of
8 the night, so if you've got questions that you need
9 answers to or want answers to, just look for somebody
10 that's wearing one of these name tags and they'll be
11 happy to have that conversation with you.

12 But what we are going to do now is give you
13 an opportunity to make whatever formal statement
14 you'd like to make about this project for the record.

15 First of all, if you didn't get one when you
16 came in, we have this sheet that's labeled Frequently
17 Asked Questions. It is a synopsis in ten pages of
18 what this is all about. We've written it as simply
19 as we can make it. We've made it as straightforward
20 as we hope we can and hopefully it's going to tell
21 you most of what you need to know.

22 If you have an interest in getting a full
23 copy of the entire environmental impact study, which
24 is a lot of paper, if you can image, or a copy of the
25 big executive summary, which is still about a hundred

1 pages, we'd like you to fill out one of these labels
2 back at the table when you first came in, self
3 address this thing, simply put your name on it and
4 we'll make sure that you get one.

5 If you would like to make a statement
6 tonight and you would like to have it recorded
7 formally by the court reporter, please fill out one
8 of these speaker cards. We have about five people
9 that have signed up.

10 If you've got a comment that you'd like to
11 make and would like to do so but wouldn't like to do
12 so verbally and would like to do it in private and
13 write it down, please fill out one of these comment
14 forms. You can leave it with us tonight, you can
15 take it with you, send it in any time. If you want
16 to take two or three of these things for your
17 friends, neighbors, feel free to. If you want to
18 make copies, go ahead, feel free to do that as well.

19 So we have only at the moment about five
20 people that have signed up to speak. When those
21 folks are done, the rest of these people will be
22 sticking around for a while so we'll be happy to sit
23 down and talk to you about specifics of this project.

24 That's about it. And at this point I'd like
25 to introduce our public hearing officer tonight,

1 Dr. Michael Dwyer, who will explain how this is going
2 to work.

3 DR. MICHAEL DWYER: Good evening, ladies and
4 gentlemen. Welcome to the formal hearing part of
5 this meeting. The purpose of this hearing is to hear
6 your comments on the Clark, Lincoln and White Pine
7 Counties Groundwater Development Project Draft
8 Environmental Impact Statement. This document was
9 prepared by the BLM with the help of AECOM, a
10 consulting firm, AECOM, and it was prepared in
11 response to an application we received from the
12 Southern Nevada Water Authority in August of 2004 for
13 rights-of-way across BLM land for a facility for the
14 purpose of transporting groundwater.

15 Let me be clear that at this point no
16 decision has been made by the BLM on this
17 application. The National Environmental Policy Act
18 requires BLM to document and take into consideration
19 the impacts of this project before that decision is
20 made.

21 The final version of the draft environmental
22 impact statement that you have in your hands will be
23 the vehicle for documenting and presenting those
24 impacts of this project to the decision maker. This
25 hearing is your opportunity to help us make this EIS

1 as clear, comprehensive and accurate as it can be.

2 Several alternatives, including the No
3 Action alternative, are analyzed in this document.
4 The No Action alternative simply describes the impact
5 if the BLM were to reject this application and
6 continue with current land uses.

7 Let me clarify what this hearing is not.
8 First it is not about the allocation of water rights.
9 That is not a BLM decision. That decision belongs to
10 the State of Nevada, and specifically the Nevada
11 state engineer, who will conduct separate public
12 hearings this fall before rendering a decision on the
13 Southern Nevada Water Authority's application for
14 water rights.

15 Second it's not a debate. The first part of
16 this meeting tonight was designed to answer your
17 questions, and that's why we had the posters and the
18 specialists here. This part of the meeting is about
19 listening to you. It's a formal public hearing in
20 which each person who wants to make comments orally
21 in a public forum will be given the opportunity to do
22 so.

23 Your comments and questions will be captured
24 by our court reporter and will be addressed in
25 writing in the final environmental impact statement.

1 Please be aware that if you ask a question while
2 you're at the podium, we will note it in the record
3 and address it in the final EIS, but we will not
4 respond during the hearing. If you have a question
5 that you'd like to have answered, you're very welcome
6 to stand up, go to the back of the room, seek out a
7 BLM person or one of the AECOM folks and go out in
8 the hall and get your question answered.

9 We want to hear from everyone who has
10 something to say tonight. We have the room until
11 8:00 o'clock. I don't think that's going to be a
12 problem since we only have five people signed up. If
13 you haven't signed up and you want to speak, please
14 feel free once the five are finished to do so.

15 We are giving everyone about five minutes,
16 if you can keep it brief, and we have some placards
17 up here to give you an idea of how much time you have
18 left. I don't think that's going to be a big issue
19 here, so if you need more than that, keep it
20 reasonable, that should be fine.

21 You should also know that written comments
22 will be accepted tonight and they carry just as much
23 weight as the verbal testimony. So if you don't feel
24 like standing up, you're very welcome to submit
25 comments in written form, either tonight or before

1 the deadline. The deadline has just been extended to
2 October 11th of 2011.

3 Regarding audience participation, please
4 treat the speaker as you would like to be treated
5 when it's your turn at the podium. Please don't
6 interrupt the speaker, and please note that audience
7 comments and reactions will not be part of the
8 transcript.

9 Finally, let me explain what happens from
10 this point forward. The comments you make here
11 tonight, along with all the comments that are made at
12 other public meetings and those submitted in writing,
13 will be used to develop a final version of this
14 environmental impact statement. We expect to have
15 this document available to the public in mid 2012.
16 It will include a comment response document that
17 explains the disposition of all the comments we
18 received.

19 When the final EIS is ready for release, a
20 notice of availability will be published in the
21 Federal Register as well as in local newspapers and
22 it will be posted on the BLM website. A decision on
23 the application can be rendered any time 30 days
24 after that notice of availability is published; and a
25 formal record of decision will be published and

1 posted when the decision is made.

2 With that I'd like to extend my sincere
3 thanks to all of you for your willingness to
4 participate in this process. I've worked on many
5 environmental impact statements during my 31 years
6 with the BLM and it's my experience they're always
7 much better in the end for vigorous public
8 involvement and public comment.

9 So what I'd like to do is now call this
10 hearing to order and ask John, who introduced me, our
11 moderator tonight, to call the first speaker.

12 FACILITATOR JOHN GODEC: I'm going to
13 introduce the speakers in the approximate order that
14 I think we received these but we always give
15 deference to elected officials if they would like to
16 speak first.

17 Is George Rowe here? Mr. Rowe, would you
18 like to speak first? And when you come up, if I
19 could ask you please to state your name and your
20 address for the court reporter, I would appreciate
21 that. Thanks.

22 GEORGE T. ROWE: Okay. My name is George T.
23 Rowe. People call me Tommy here in Lincoln County.
24 I am the chairman of the Lincoln County Commission
25 and I am senior member on the Lincoln County Water

1 District. I'm here to speak tonight in my capacity
2 as a lifetime resident of Lincoln County and not as a
3 public official.

4 First of all, I think that this pipeline
5 will be the ruination of the northern counties that's
6 being affected. I think that you cannot run a
7 pipeline through an area without messing up all of
8 the feed for the cattle, the white sage that grows in
9 the flatland in the valleys where this primary is for
10 the pipeline.

11 If it was an area like the pipeline in
12 Alaska where the tundra would grow back, everything
13 would be fine, the antelope or the animals can
14 migrate in their normal ways after the pipeline was
15 done, and everything looks normal afterwards in a
16 year or two it would be great, but that's not going
17 to be happening when you take and put a big scar like
18 this across our desert.

19 Not to mention the drawdown that the water
20 would have on our springs and everything else. And
21 as you can see, I didn't bring a prepared speech
22 tonight, I just want you people to know my feelings.

23 And I would encourage you to use good
24 science before you make a decision on this pipeline
25 because it will ruin it for the folks of Lincoln and

1 White Pine counties. Thank you.

2 THE REPORTER: Mr. Rowe, would you like to
3 state your address for the record?

4 GEORGE T. ROWE: My address is Post Office
5 Box 63, Caliente, Nevada 89008.

6 FACILITATOR JOHN GODEC: Bevan Lister.
7 Mr. Lister, if you would spell your name and give
8 your address please.

9 BEVAN LISTER: Thank you. For the record
10 Bevan Lister, B-e-v-a-n, L-i-s-t-e-r, P.O. Box 124,
11 Pioche, Nevada 89043.

12 I'm just a local fellow, farmed a little
13 bit, ranched a little bit. In looking through what
14 we've seen here tonight, there's a few things
15 missing. In the economic impacts I think it's
16 absolutely essential that we have a full description
17 of how much money Harry Reid is going to make from
18 this project, whether him or his family or his
19 business associates, either from the water pipeline
20 and water selling and distribution or from the
21 associated power line use. I think that's extremely
22 vital to the knowledge and information that needs to
23 go into the decision making process.

24 Also in the economics there was missing, and
25 I visited with some of your folks about it, an

1 evaluation of how this is going to affect domestic
2 well owners. As groundwater tables diminish, it will
3 affect, yes, irrigators and livestock operators, but
4 there are a large number of our citizens that live on
5 domestic wells, usually in the shallow part of the
6 aquifer. And if those aquifers are affected by deep
7 water pumping, it will cause a tremendous impact to
8 those households, because a farm can, once it reaches
9 the feasibility level, they can shut the water off,
10 quit farming. You got a house and a bunch of kids,
11 you've got to have water. And if you have to drill
12 deeper, drill a new well, buy bigger pumps, run
13 higher power bills, there's a tremendous impact on
14 the economy of the household.

15 There also needs to be a thorough discussion
16 of how this affects the future growth of
17 possibilities for the county. There is some mention
18 of it but we don't see in real numbers what the
19 potential loss here would be for this pipeline to go
20 into place. It would not only affect the livestock
21 operators and their futures, but the moving of a
22 hundred thousand acre feet of water out of northern
23 Lincoln and southern White Pine counties basically
24 affects from -- I'm a farmer. So 25,000 acres of
25 production agriculture or current values, 25 to \$50

1 million a year of economic benefit to rural
2 communities. And I think that that's something that
3 needs to be thoroughly discussed and evaluated.

4 And then last but not least, it's very
5 important for you and the folks that are here that
6 you put right in writing right up front that this
7 whole NEPA process is just completely moot. It means
8 nothing. The BLM has no choice. The act passed by
9 Congress simply says notwithstanding the NEPA
10 process, this right-of-way is in effect. That's what
11 the law says.

12 Yeah, it's a great dog and pony show and,
13 yeah, hundreds of thousands of dollars are being
14 spent on analysis and evaluations and contractors and
15 consultants, and we put on a good show around the
16 country, but I think it needs to state the law right
17 there in the front part of the book that says that's
18 all it is is for show, because the decision has
19 already been made. Thank you, Mr. Harry.

20 FACILITATOR JOHN GODEC: Connie Simkins. If
21 you would please spell your last name and give us
22 your address.

23 CONNIE SIMKINS: Connie Simkins,
24 S-i-m-k-i-n-s, Post Office Box 333, Panaca, Nevada.
25 I'm a 67 year resident of this community.

1 The right-of-way application we're talking
2 about tonight by the Southern Nevada Water Authority
3 should be denied by the BLM for two substantial
4 reasons. Both of them come from BLM rules. First,
5 to comply with the BLM's own guidance entitled
6 Obtaining a Right-of-Way on Public Land from the
7 Lands and Realty Division dated March 10th, 2009,
8 specifically pages 10 and 11 that says a right-of-way
9 application can be denied for any of these six
10 reasons. And I think in part and for some of
11 the rest of them you could use each one of these six
12 reasons:

13 The application does not conform to land use
14 plans; would not be in the public interest; the
15 applicant is not qualified based on the fact of the
16 input that they've given to this document; proposal
17 is inconsistent with federal, state and local laws;
18 the applicant is not technically capable of
19 performing this project; and finally there are a
20 series of environmental consequences that may occur
21 that cannot be mitigated.

22 The second major reason you should deny this
23 application is found in this EIS draft proposal
24 discussion tonight. I seriously urge the BLM to
25 listen to their own analysis contained in the four

1 pages of chapter four that discusses irreversible and
2 irretrievable commitments of resources. There are 22
3 topics given including air, geology, water, soil,
4 vegetation, wildlife, aquatic biological, minerals,
5 rangeland, horses, land uses, special designations,
6 recreation, transportation, visual resources,
7 cultural, Native American values, socioeconomics,
8 environmental justice, hazardous materials, surface
9 disturbance, and groundwater pumping.

10 Let's talk a minute about cumulative
11 impacts. We are starting to see them today. Take
12 the online transmission project that's now undergoing
13 in Jake's Valley in White Pine County and is
14 scheduled to move through Muleshoe and Dry Lake
15 Valley and Delamar Valley down into Clark County.
16 The public lands are now having trouble with roads,
17 gates being left open.

18 This document talks about you cannot
19 describe the cumulative impacts until the projects
20 are built. This statement is false. We see these
21 impacts today on just the very first of five projects
22 that are listed in section 3.12 executive summary
23 page 33 and 34. Three of these five projects have
24 not started. They've not met with the County, the
25 general public. They haven't told us what's going

1 on.

2 And they haven't even discussed the pending
3 right-of-way Yucca rail application, which the BLM
4 has declined Lincoln County request to cancel this
5 application. They said they're going to take no
6 action until Congress decides that they're going to
7 fund Yucca Mountain.

8 Again in section 3.12 page 37 they talk
9 about only one percent of the 1.56 million acres in
10 forage will not be lost. Only one percent of that.
11 Well, I tell you, if you take half of Gloeckner's
12 allotment, that's a heck of a lot more than one
13 percent. You could take a cut in pay for one
14 percent, I couldn't. Any of us in this room
15 couldn't. But if you cut off half of everything, if
16 you take Gloeckner's allotment, they won't have any
17 winter range. You couldn't survive without half of
18 your job, you'd have to go get a second job, as we
19 all would. So this cumulative impact, this loss of
20 forage statement in this document is inaccurate.

21 They talk about long-term draw in section
22 4.3 page 43. You have a nice little colored graph.
23 And the place that is most heavily impacted is a big
24 red splotch. I want to enter these pictures into the
25 record. Let the record show that they're pictures of

1 a small 16 acre sub-irrigated pasture that I own in
2 Panaca, Nevada. I have personal knowledge of the
3 water flows and the dryness and the wetness of this
4 piece of property for the past 47 years.

5 In the spring this land is too wet to get my
6 tractor on to do work. As soon as the farmers start
7 turning their -- as soon as the farmers turn on their
8 sprinklers, my pasture gets so dry I have to haul
9 water to my cows. But as soon as they turn their
10 pumps off in September, my water table comes back up.

11 If this project pumps water from groundwater
12 basins around me, I'm sure my field will be
13 absolutely worthless. And I'm just a minor player in
14 this thing. Most of the people that are involved in
15 this valley have much more land than I do and have
16 much more invested. It's a small thing.

17 Additions and improvements to this document
18 must include all the things that are listed,
19 including placing cattle guards at every fence, road
20 crossing, allotment boundary fences; using type II
21 gravel, full-time onsite road maintenance equipment,
22 plus fire suppression and dust control equipment.
23 These are the mistakes that were made by the NV
24 Energy people that are not in the stipulations that
25 BLM wrote, so we're having a real problem with the

1 online people in White Pine County and we don't want
2 it to continue in Lincoln County, so we need to get
3 this straightened out right here right now.

4 We must create success standards for
5 adaptive re-vegetation mitigation before any
6 construction work is authorized. These standards
7 must assure no net losses of AUMs.

8 The long-term pumping effects and the
9 drawdown on page 61, they say there's no current
10 pumping in Cave Valley, Dry Lake Valley and Delamar
11 Valley. This is incorrect. It has been
12 scientifically proven that these water basins are
13 interconnected and will affect each other.

14 FACILITATOR JOHN GODEC: Ms. Simkins, excuse
15 me, your five minutes are up.

16 CONNIE SIMKINS: Okay. I've got one more
17 paragraph.

18 FACILITATOR JOHN GODEC: Okay.

19 CONNIE SIMKINS: The impacts of this project
20 are unpredictable and uncontrollable. This
21 application is incomplete and insufficient. I
22 believe the Las Vegas Valley Water district, and yes,
23 I'm old enough to remember when it was the Las Vegas
24 Valley Water District before it became Southern
25 Nevada Water Authority, has designed this project

1 under the misconception that they are too big to
2 fail. That is the very reason the BLM should deny
3 this right-of-way application because it is too big.

4 I will steal a quotation from White Pine
5 County Commission Chairman Laurie Carson. Our water
6 is finite. We are the stewards of these resources
7 and we've taken darn good care of them up until now.

8 FACILITATOR JOHN GODEC: Miss Simkins, if
9 you have a written statement, if you wouldn't mind,
10 you can certainly leave it with the court reporter;
11 we can make sure that we've got all the details in
12 there.

13 CONNIE SIMKINS: I did that.

14 FACILITATOR JOHN GODEC: Louis Benezet. If
15 you would please spell your last name and give us
16 your address.

17 LOUIE BENEZET: I'm Louie Benezet,
18 B-e-n-e-z-e-t. Address near Pioche, Prince Mine.

19 I would hope that I'd have a chance to study
20 your document in depth but my computer couldn't
21 handle the disk. And the library computer crashed
22 when I stuck them in there and so I went down to the
23 BLM and spent the day down there looking at their
24 copy, which they were kind enough to show me. And
25 after a couple hours of that, I found I was pretty

1 much incapable of thinking.

2 But I was impressed by the document. I just
3 want to thank you guys for the work that you've done.
4 I think that considering what could have been done,
5 it is really quite a resource, especially in covering
6 some of the things that I'm interested in, such as
7 the issues of regional water drawdown and the
8 cumulative impacts of the SNWA pipeline and the other
9 things that have been proposed and have been
10 happening.

11 With that said, there are a few things that
12 I would comment on that I think that might be useful.
13 Cumulative impacts I guess -- my notes here are
14 pretty scattered so if I take things out of order --
15 cumulative impacts, as Connie said, they're already
16 going on and they have been going on actually for
17 20 years.

18 Cumulative impacts started, Southern Nevada
19 Water Authority, Las Vegas Valley Water District
20 filed an application for all the water in these three
21 counties. The minute that happened, water became a
22 commodity like gold, and a lot of things have
23 developed from that.

24 The promise of a pipeline coming north
25 through this vast area of Great Basin is similar to

1 the concept of the first transcontinental railroad
2 back in 1860. You see towns spring up because of the
3 speculators going out and saying, you know, the
4 railroad is going to come here, come buy lots and
5 I'll sell them to you. You see other areas not
6 fortunate enough to get the railroad, and the town
7 that might have had promise dries up.

8 The pipeline has this kind of an impact.
9 It's kind of hard to assess it but I think it's one
10 of the most important things about this project. And
11 perhaps it falls under the final one of the later
12 categories in your document under socioeconomic
13 impacts. I think that there are additional things
14 that need to go into that section of your document.

15 Look at some of the things that have
16 happened that are related to the pipeline. The
17 pipeline application was filed in 1989. In 1998
18 Lincoln County formed a partnership with the Vidler
19 water company. Vidler came to Lincoln County and
20 persuaded the County that they could not prevent the
21 pipeline, which is what they wanted to do, but if
22 they joined forces with Vidler, they could come up
23 with a plan to protect their water; however, in the
24 short period of time, all the County's efforts were
25 directed towards water development, very much like

1 what's going on in Las Vegas, exporting water through
2 the valleys here to valleys, uninhabited valleys
3 south of the county near the county line, Coyote
4 Springs near Mesquite over at Toquop.

5 1989 going to 1998 coincidentally was about
6 the same time that Harvey Whittemore bought Coyote
7 Springs. It was in a three way deal with the
8 Southern Nevada Water Authority where he didn't have
9 to pay anything by turning over some of the water.
10 Toquop also developed about that time. One of the
11 developers down in Mesquite trespassing on BLM and
12 persuaded the County to front door them to see if
13 they could get some legislation to buy it.

14 In 2003 you have the agreement with SNWA.
15 This was prompted pretty much by Vidler wanting to
16 clear the way so they could deal whatever water
17 projects down to the Mesquite area because SNWA
18 protested some of them.

19 So you see all of these things that fall in
20 the process that originated from the pipeline idea
21 itself and from the creation of rural water as a
22 commodity. Following that in 2004 you had the Land
23 Act proposal, and at that time we had SNWA up here
24 lobbying people to support the Lincoln County Land
25 Act and telling us that we needn't worry about

1 whether or not the provision for a right-of-way
2 preempted NEPA because NEPA would still be in effect
3 and all that stuff would go forward. We've already
4 heard a comment tonight of the disappointment that
5 the question of whether or not to grant a
6 right-of-way with Lincoln County area has already
7 been preempted.

8 Then in 2006 approximately we had Harvey
9 Whittemore of Coyote Springs coming up here and
10 purchasing essentially all the land and water he
11 could get and putting together a portfolio of some
12 35,000 acre feet of water which he would then
13 identify as being exported to Coyote Springs in his
14 EIS for the Coyote Springs development, and the
15 pipeline of course. Without the pipeline you don't
16 transfer that water.

17 Now economic changes over the last few years
18 may have changed some of these sales, I don't know.
19 I've heard rumors. It doesn't matter because I'm not
20 talking about specifics here, I'm not talking about a
21 particular developer, I'm talking about the effect
22 that it's had on the County to have this pipeline
23 phantom, or whatever you want to call it, hanging
24 over us.

25 That's changed the way our future is already

1 being created. It's changed our leadership because
2 the money that's come from the developers has been
3 pumped back into creating administrative departments
4 in the County to deal with the developers, and we
5 have people that have a lot of influence very close
6 to the lives of developers now and don't talk to the
7 citizens as much.

8 So the impression comes out of the County
9 that the County is for the pipeline. And this is
10 kind of unfortunate. When the applications were made
11 by Whittemore to transfer the water from Lake Valley,
12 I proposed, before I went to the state engineer I sat
13 in front of the post office with a petition. I had
14 two because the SNWA application first to go through
15 on Delamar Dry Lake and Cave Valley was happening
16 about that time, 2008, and so I had two petitions. I
17 had one protesting SNWA and the other one protesting
18 Harvey's water transfer.

19 And then I had a friend circulate the same
20 petition in Alamo and Caliente. All together we got
21 660 signatures. And sitting in front of the post
22 office in Pioche, not a single person disagreed with
23 my petition. Everybody I asked signed it. So I
24 guess I'll quit with that for now. Thank you.

25 FACILITATOR JOHN GODEC: Kena Gloeckner. If

1 you would please, spell your name, give the court
2 reporter your address.

3 KENA LYTLE GLOECKNER: Kena Lytle Gloeckner,
4 K-e-n-a, L-y-t-l-e, G-l-o-e-c-k-n-e-r. HC 74 Box
5 237, Pioche, Nevada 89043.

6 In 1845 my great, great grandfather came to
7 this area and began to establish what would become
8 our present day family cattle ranching operation.
9 Members of the succeeding generations were born on
10 this land, worked hard to earn a living from that
11 land and were laid to rest in the same area of earth
12 that they spent their entire lives. Five generations
13 of extended family lie buried in our small family
14 cemetery and every one of these people loved and
15 respected the land that sustained them.

16 Dry Lake Valley has provided our family much
17 of the sustenance for more than 100 years since it
18 represents 100 percent of our winter grazing. For
19 five months of the year, November through April, over
20 1500 head of cattle thrive on the abundant winter fat
21 and on the water supplied from wells and springs as
22 they give birth to their calves in this more moderate
23 climate. Dry Lake Valley is essential to the
24 existence of several ranch operations. Without it
25 the livelihood of various families would be destroyed

1 along with the legacy that helped shape the West.

2 After having read your executive summary, I
3 would like to express several concerns applicable to
4 our operation. First of all, on page 37 you write
5 that although 20,570 acres of native vegetation in
6 the basin will be removed by the project, this
7 affects less than one percent of the total area of
8 all cumulative surface disturbance.

9 You go on to say that no changes in
10 livestock stocking rates would be affected. Because
11 you are dealing with over 1.5 million acres for the
12 total project, you assume that this small portion of
13 land disturbance from the pipeline itself is very
14 minimal. I, however, believe this conclusion is
15 vastly incorrect since any change in available forage
16 or water would have a tremendous domino effect on
17 many livestock operations.

18 Parts of Cave and most of Dry Lake and
19 Delamar valleys serve as the only winter grazing
20 grounds of many operations. Other areas of the
21 Wilson Creek allotment belonging to ranchers are not
22 suitable for winter use because of snowfall levels
23 and cold temperatures. Grazing permittees can only
24 run as many livestock as the most limiting portion of
25 their permit. Dry Lake Valley, for example,

1 represents our most limiting portion.

2 Since the sustainable numbers supported on
3 this winter allotment is, therefore, directly linked
4 to the number of cattle using our summer, spring and
5 fall allotments, these other seasonal areas would
6 also become drastically affected. We would be
7 incapable of running anything close to our current
8 numbers.

9 Loss of forage, any forage and water in our
10 Dry Lake allotment alone could affect directly 12,163
11 AUMs, but in addition more than double this amount if
12 spring, summer and fall AUMs are taken into
13 consideration. The economic impact would be drastic
14 since it would be impossible to replace this lost
15 natural winter forage with hay or another desirable
16 grazing area since none are available in our area.

17 Additionally, the abundant winter fat, also
18 called white sage, areas that exist in Dry Lake,
19 Delamar and other valleys represents some of the best
20 winter grazing ranges in the state for cattle and
21 sheep. When disturbed, the sensitive plant is easily
22 destroyed and almost impossible to reestablish. In
23 your summary on page 35 you state that the GWD
24 project and each foreseeable project would be
25 required to re-vegetate disturbed surfaces, yet this

1 plant and several others would be impossible to
2 reestablish.

3 With over 300 miles of disturbance for the
4 pipeline alone, added with the hundreds of miles for
5 laterals to the wells, the soil and vegetation
6 disturbance is unthinkable. Even more distressing is
7 the disturbance to vegetation when the drawdown
8 factor from excessive pumping is added to the
9 equation.

10 To compound the bleak situation, in this
11 area is found a very finely divided soil composed of
12 dust blown by wind and silt deposited by water.
13 After any disturbance of the surface crust, it easily
14 becomes airborne again. The area is prone to many
15 dust storms, and this soil type becomes even more
16 troublesome whenever it is disturbed by travel. In
17 fact, the soil in the valley bottom is classified as
18 highly erodible under the Natural Resources
19 Conservation Service's Highly Erodible Lands
20 identification procedures.

21 With this type of soil, coupled with lack of
22 sufficient water, I believe it would be very
23 difficult to reestablish vegetation at an adequate
24 level to sustain livestock, wild horses, and wildlife
25 grazing at present levels or anywhere close to that.

1 As permittees in the Dry Lake Valley, we not
2 only have grazing allotments in this area, but we
3 also own the water rights for the springs and wells
4 that service this valley. Currently we have a
5 pipeline network that is over 31 miles long and that
6 transports water to five reservoirs, in addition to
7 three wells located within the proposed area. These
8 reservoirs also provide water for the wild horse,
9 deer and antelope herds in the valley. Our pipelines
10 run from the mountain springs to all watering areas
11 throughout the valley.

12 What effects will the physical construction
13 of the pipeline and related facilities have on our
14 existing pipelines, wells and reservoirs? Will all
15 the GWD project construction bypass our structures or
16 will they destroy them in the process? Will our
17 pipelines run beneath their pipeline, will they run
18 over the top of their pipeline or will they be
19 eliminated altogether, because they do bisect.

20 Also will we still have accessibility and
21 serviceability to our water? Most importantly your
22 summary shows that the long range pumping effects
23 will more than likely have drastic impacts on our
24 water rights, and our wells, as you put it, could be
25 rendered unusable.

1 Minimally there will be a 10 to 20 foot
2 drawdown in a small portion of northern Dry Lake
3 Valley, but in the majority of the area a 20 to 50
4 drawdown will be likely. Here is where the domino
5 effect emerges again. You must realize that the
6 ensuing consequences for affecting these water rights
7 could prove to be drastic. Again, not only would
8 these particular water rights be affected since
9 ranchers could show no beneficial use by cattle,
10 which the area could no longer sustain, but the water
11 rights in our other grazing areas, we own vested
12 water rights to over 50 other springs in the spring
13 and summer allotments, would be detrimentally
14 affected without the cattle herds to show beneficial
15 use.

16 Currently our entire Wilson Creek allotment
17 contains almost one million acres. Along with losing
18 the water rights to these grazing areas, we would
19 also lose the grazing rights to this vast tract of
20 land. Would Southern Nevada Water Authority, the BLM
21 or the state water engineer then become responsible
22 for reimbursing all ranchers along the GWD project
23 pathway for their extreme losses or would we just
24 lose everything that's taken a lifetime to build?

25 For over 150 years the ranchers have been

1 excellent stewards of the land because it, in
2 essence, is their livelihood. The loss of the native
3 plant species and water in this area as a result of
4 the GWD project construction would be irreversible
5 and irreplaceable. Please grant us the opportunity
6 to continue to do our part in using the public lands.

7 Furthermore, there would also be adverse
8 socioeconomic impacts that would occur from this
9 project. The permittees in Dry Lake Valley North are
10 among some of the oldest and largest ranches in
11 Lincoln County and have been in the ranching business
12 for almost 150 years. At the present time we have
13 ten heirs to our ranch who will continue our family's
14 legacy. The concerns and risks related to this
15 project could change our way of life forever. Not
16 only would it destroy our livelihood but it would
17 also greatly affect our quality of life, our valued
18 rural lifestyle and our heritage.

19 Moreover, Lincoln County is an economically
20 depressed area, and the ranching industry is a vital
21 element to the economy since it represents one of the
22 main commercial activities in the area. The many
23 ranches that exist in the county constitute a major
24 portion of the tax base and use the local businesses
25 for support services. Lincoln County cannot afford

1 another hit to its already struggling economy.

2 These areas of concern merely touch upon the
3 alarming findings published in your executive
4 summary. The detrimental effects that could result
5 from this project could devastate this entire portion
6 of rural Nevada. Since it is your mission to sustain
7 the health, diversity and productivity of the public
8 lands for the use and enjoyment of present and future
9 generations, I urge you to select the No Action
10 alternative and to deny the right-of-way request.
11 Your careful consideration of the concerns expressed
12 would be greatly appreciated. Thank you.

13 FACILITATOR JOHN GODEC: Glennon Zelch.
14 Mr. Zelch, if you could spell your name and give us
15 your address please.

16 GLENNON ZELCH: My name is Glennon Zelch,
17 G-l-e-n-n-o-n, Z-e-l-c-h. My address is P.O. Box
18 418, Pioche, Nevada.

19 And I want to talk about, well, mitigation
20 implies that they know they're going to cause damage.
21 The question is are they financially prepared to
22 reimburse every affected entity in Lincoln and White
23 Pine, southern White Pine counties for the damages
24 they cause or are we going to be up against a million
25 dollars worth of lawyers trying to stall for 40 years

1 until we die of old age? I suspect that's what we're
2 going to be up against because they're not going to
3 be willing to pay for all of the extra electrical
4 expenses just in deepening wells and pumping water
5 from an additional 50 to a hundred feet deep.

6 I'm on the board for Pioche Public Utilities
7 here in town. We've got very good water. If we have
8 to deepen our wells, or even if the water table drops
9 50 feet, we deepen the wells, we still have to lift
10 that water an additional 50 feet. Is Southern Nevada
11 Water Authority going to reimburse us for our costs?
12 That's part of the economic impact, and it absolutely
13 should be required if this project is allowed to go
14 through. And not only for Pioche but every affected
15 entity in the whole area, they should have to make us
16 whole. And they don't have the financial resources
17 to do it. It's going to cause too much damage. And
18 what we're going to be faced with is a whole battery
19 of lawyers trying to stall and get out of it. Thank
20 you.

21 FACILITATOR JOHN GODEC: Abby Johnson.
22 Miss Johnson, if you would spell your name and give
23 us your address please.

24 ABBY JOHNSON: Abby, A-b-b-y, Johnson,
25 J-o-h-n-s-o-n, P.O. Box 183, Baker, Nevada 89311.

1 My name is Abby Johnson. I'm on the board
2 of directors for the Great Basin Water Network and I
3 just want to make a few process comments about the
4 hearings and how things are going.

5 First of all, it is encouraging that the BLM
6 decided to add an extra 30 days to the review process
7 but it's not enough. This is a complex, massive
8 document, six years in the making. We think that at
9 least the public should be afforded 180 days to
10 review a document that took that long to prepare.

11 Secondly, the frequently asked questions and
12 answers that was handed out up front is very helpful
13 but I was told that it won't be available
14 electronically until after these hearings are over.
15 And I would strongly suggest that if it's going to be
16 used as a guide, as a useful tool for people to be
17 able to get up to speed on this, that it would be
18 more useful if it were available electronically so
19 that people could prepare for a meetings like this
20 rather than read it after the hearings are all over.

21 As you know, we have prepared this EIS
22 guide. And having done that personally, I know how
23 complex the document is and how challenging it is to
24 take all of that information and focus it on the few
25 things that people can grab onto and relate to. And

1 so I would encourage you to make this available
2 electronically sooner rather than later.

3 And the third comment I have is on the setup
4 of this. It looks like we're going to be in a lot of
5 gyms over the next three weeks. The acoustics are
6 lacking, as they are in a gym. And the thing that
7 I'm finding is that the speaker is talking to the two
8 of you when all of you really want to hear what the
9 speaker is saying. And I would just make a
10 recommendation, especially for Baker tomorrow night,
11 but for the all of these hearings, for example if you
12 had the podium here and you had your table there, you
13 know, if I were here and you were there (indicating),
14 I could be heard by all of you and by you and it
15 would be a more effective exchange.

16 I think I'm just going to leave it at the
17 process comments because there's so many more
18 hearings and some many more opportunities in the next
19 19 days to participate. And thank you very much for
20 your attention.

21 DR. MICHAEL DWYER: That's our last speaker.
22 Anybody else like to make a statement?

23 FACILITATOR JOHN GODEC: Would you please
24 give us your name and address.

25 PAUL DONOHUE: My name is Paul Donohue,

1 D-o-n-o-h-u-e, P.O Box 291, Pioche, Nevada 89043.

2 Wanted to listen, support everything that
3 people said but it's interesting. As I sit back I
4 watched the presentation on the computer, you know,
5 and it's zipping up in Las Vegas up there and it
6 gives this wonderful technological view, you know.
7 And I admire the technology but it made me think a
8 lot after listening to Mrs. Gloeckner, that view from
9 that computer is how we're looking it from 20,000
10 feet or 5,000 feet and it just makes everything look
11 this small.

12 But when you hear from the people who are
13 stewards of the land, it's their lives and their
14 calves, that little white sagebrush that that cow is
15 eating, I just encourage you to lower your view, get
16 right down into it and take a good look at the
17 effects and don't look at it from 20,000 feet. Thank
18 you.

19 FACILITATOR JOHN GODEC: Would anyone else
20 like to make a comment publicly? If not, we will be
21 here for another hour. If you have a comment that
22 you'd like to make privately to the court reporter,
23 please feel free to do so. And the rest of the folks
24 that are here working on this particular project will
25 be around for the next hour so please feel free to

1 stay around and we'll be happy to talk to you.

2 LOUIS BENEZET: Just basically wanted to say
3 that as a couple other people mentioned today I feel
4 that the only alternative really is the No Action
5 alternative.

6 And to follow up on a remark that Connie
7 Simkins made, referring to chapter four of the
8 irreversible commitment of resources, I believe
9 that's the title of the chapter, I wrote down a
10 quote. The permanent extraction of groundwater in
11 storage: Evidence by formation of regionally
12 extensive drawdown cones is an irretrievable
13 commitment of resources. And I think that sentence
14 pretty well sums up the main problem. In other
15 words, the drawdown is regional in nature.

16 (Thereupon the proceedings
17 were concluded at 7:19 p.m.)

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CERTIFICATE OF REPORTER

STATE OF NEVADA)

SS:

COUNTY OF NYE)

I, Deborah Ann Hines, certified court reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this 14th day of September, 2011.

Deborah Ann Hines, CCR #473, RPR